IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 33256 of 2006(H)

PETITIONER:

P.K. KUMARA KURUP,
SECRETARY, PARENTS' ASSOCIATION, SAINIK SCHOOL,
KAZHAKKOOTTAM, THIRUVANANTHAPURAM, RESIDING AT
PAVANDATTU, KURUPPANKULANGARA P.O., CHERTHALA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

RESPONDENTS:

1. **THE GENERAL MANAGER,**
   BHARAT SANCHAR NIGAM LIMITED (BSNL),
   THIRUVANANTHAPURAM.

2. **DEPUTY GENERAL MANAGER(TELEPHONE REVENUE**
   BSNL, TELECOM DISTRICT, LIC BUILDING, PATTOM,
   THIRUVANANTHAPURAM-695 004.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON 26/03/2007 DELIVERED THE FOLLOWING:

W.P.(C) NO.33256/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RELEVANT EXTRACT OF THE TELEPHONE DIRECTORY 2004.

EXT.P2:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P3:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P4:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P5:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P6:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P7:- COPY OF THE TELEPHONE BILL FY.7.3.06.

EXT.P8:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P9:- COPY OF THE TELEPHONE BILL DT. 7.7.06.

E.XT.P10:- COPY OF THE TELEPHONE BILL DT.7.7.06.

EXT.P11:- COPY OF THE TELEPHONE BILL DT.7.7.06.

EXT.P12:- COPY OF THE TELEPHONE BILL DT.7.7.06.

EXT.P13:- COPY OF THE TELEPHONE BILL DT.7.7.06.

EXT.P14:- COPY OF THE TELEPHONE BILL DT.7.7.06.

EXT.P15:- COPY OF THE TELEPHONE BILL DT. 7.7.06.

EXT.P16:- COPY OF THE LETTER NO.TR/II/OA-4/2 DT.3.4.06.

EXT.P17:- COPY OF THE LETTER NO.AOTR II/OA-4/06-07/8 DT. 22.9.06.

EXT.P18:- COPY OF THE TELEPHONE BILL DT. 7.3.06.

.EXT.P19:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P20:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P21:- COPY OF THE TELEPHONE BILL DT..7.3.06.

EXT.P22:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P23:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P24:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P25:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P26:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P27:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P28:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P29:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P30:- COPY OF THE TELEPHONE BILL DT.7.3.06.

EXT.P31:- COPY OF THE TELEPHONE BILL DT.7.5.06.

EXT.P32:- COPY OF THE LETTER SUBMITTED BY THE ASSOCIATION DT.16.10.06 BEFORE THE 1ST RESPONDENT.

EXT.P33:- COPY OF THE LETTER DT.2.11.06.

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE TARIFF PLANS FOR SULABH PLAN.

EXT.R1(b):- COPY OF THE DETAILS OF TELEPHONE NUMBERS PROVIDED TO THE PARENTS ASSOCIATION, SAINIK SCHOOL, KAZHAKKOOTTAM WITH DETAILS BILL IN RESPECT OF TELEPHONE NO.2412914.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.33256 OF 2006-H

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Dated this the 26th day of March, 2007.

JUDGMENT

Petitioner is the Secretary of Parents' Association of Sainik School, Kazhakoottam. Eleven telephones were installed in the school dormitories. The students were permitted to use those telephones. The said telephones were installed with incoming facility. The BSNL raised bills which form the subject-matter of this writ petition.

2. The telephones were provided under Non-OYT-General category and were later on converted into 'Sulabh' category in 2004. 'Sulabh' category is basic telephone with incoming facility only. However, outgoing calls can be made by using India Telephone Cards. That is an inherent facility in the 'sulabh with incoming' category. The relevant guidelines are Ext.R1(a).

3. It appears that the students put the telephones to use by using India Telephone Cards and a monitoring by BSNL, obviously, shows that the bills were for such user. To keep up good customer relationship with the Parents' Association, BSNL has foregone a portion of revenue realizable as per accounts and the impugned bills for the balance, are now outstanding.

4. In the aforesaid facts and circumstances, I do not find any ground to interfere with and quash the impugned bills. However, it is directed that if the entire amounts now due are remitted in three equal monthly instalments payable on or before the 15th of every month commencing from April, 2007, the recovery on the basis of the said bills shall be dropped.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-